6466908/2022/SERVICES-IV-ICD01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Water Resources Department - Count the services of Smt. K. Haripriya, Typist w.e.f.25-11-1993 for the purpose of qualifying service for pensionary benefits without any monitory benefits as a special case, subject to outcome of batch of SLPs on the same issue – Permission Accorded – Orders - Issued.

WATER RESOURCES (SER.IV) DEPARTMENT

G.O.Rt.No.1621 Dated: 13.06.2022

Read the following:

1	Order dated:31.05.2017 of Hon'ble APAT in OA. No. 5601/2014 filed by Smt. K. Haripriya, Typist.
2	Orders dated:12.11.2019 of the Hon'ble A.P.High Court in W.P.No.3126/2019 filed by the Department.
3	Orders dated:13.01.2021 of the Hon'ble Supreme Court of India, New Delhi in SLP Dairy No.26490/2020.
4	From the ENC (IW), WRD, AP, Vijayawada, Lr.No.ENC/IW/SE/P&M/EE.I/E-S/C.A.261-2018/WP.3126-2019/2020, Dated:06.01.2020 and dated:17.03.2021.

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Smt K.Hari Priya was initially appointed as Typist on daily wage basis w.e.f. 22.11.1987 and her services were terminated on 03.12.1994. Further, Government have accorded permission to reinstate Smt.K.Haripriya, Jop Typist into service with continuity of service in G.O. Rt. No. 863, I&CAD.(Ser.V) Dept, dated:04.07.2008. The services of Smt. K.Hari Priya, Typist has been regularized in terms of G.O.Ms. No.212, dated:22.04.1994 with effect from 09.05.2011 prospectively from the date of orders issued in G.O.Ms. No.62, I&CAD.(Ser.V) Dept., dated:09.05.2011. Aggrieved by the above, Smt. K. Haripriya, W/o Rajendraprasad Rao, Typist, O/o the Superintending Engineer, SRBC Circle-II, Nandyal has filed an OA No.5601/2014 before the Hon'ble A.P. Administrative Tribunal for counting NMR service rendered by her prior to the regularization of her services for the purpose of fixation of pension. In the reference 1st read above, the Hon'ble APAT have made the following orders:

> "the respondents are directed to count the service of the applicant rendered prior to the date of regularisation i.e., 09.05.2011 with effect from 25.11.1993 for the purpose of counting of qualifying services for pension and pensionary benefits without any monetary benefits, within six months from the date of receipt of a copy of this order. Accordingly, the OA is disposed of. No costs".

2. Further, Government challenging the above order by way of filling W.P.No.3126/2019 before the Hon'ble AP High Court. In the reference 2nd read above, the Hon'ble High Court have dismissed the Writ Petition filed by the department. The Special Leave Petition with dairy No.26490/2020 also filed by the Advocate on Records on behalf of Department before Hon'ble Supreme Court of India, New Delhi against the Orders of Hon'ble High Court in W.P.No.3126/2019 and the same was dismissed by the Hon'ble Supreme Court of India in the reference 3rd read above.

3. In his letter 4th read above, the Engineer-in-Chief (IW), WRD, AP, Vijayawada has requested the Government to issue necessary instructions for counting NMR service of Smt. K. Haripriya, Typist rendered prior to the date of regularization i.e. with effect from 25.11.1993 for the purpose of counting of qualifying services for pension and pensionary benefits without any monetary benefits, to avoid legal complications.

4. After careful examination of the matter, Government is hereby permitted the Engineer-in-Chief (IW), WRD, AP, Vijayawada to count the services of Smt. K. Haripriya, Typist w.e.f 25-11-1993 for the purpose of counting of qualifying service for pensionary benefits without any monitory benefits as a special case, subject to outcome of batch of SLPs on the same issue.

(P.T.O)

6466908/2022/SERVICES-IV-ICD01

5. The Engineer-in-Chief (IW), Water Resources Department, AP, Vijayawada shall take necessary action in the matter, accordingly.

6. This order issues with the concurrence of the Finance (HR.I-Plg & Policy) Department vide their U.O No. FMUOPC(WR3)/41/2019 (Computer No.882527), dated:04.04.2022.

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (IW), Water Resources Department, AP, Vijayawada
Copy to:
The Superintending Engineer, SRBC Circle No.1, Nandyal, Kurnool District
The Finance (HR.I-Plg & Policy) Department
The Dy.Director/ DTO, of concerned District

//FORWARDED::BY ORDER//

SECTION OFFICER